

## **REMARKS**

Reconsideration of the application, as amended, is respectfully requested.

Claims 14 and 15 have been amended, in accordance with the formality rejection by the Examiner of claim 15, to specify that the d43 is average droplet size. This can be taken from page 13, top paragraph of the specification.

The present invention is directed in claim 1 to a pourable water continuous frying composition having a Bostwick value at 15°C of at least 5, comprising more than 50 to 80 wt. % fat, an anti-spattering agent, at least one emulsifier having a hydrophilic/lipophilic balance value of at least 7 and optionally a biopolymer in an amount of at most 0.3 wt. % on total composition weight.

Rainey et al., U.S. Patent No. 6,113,970 discloses a food composition comprising an oil phase having 10-80 wt. % of an edible oil, 1-5 wt. % lecithin, an emulsifier and optionally up to 5 wt. % protein. The example in Rainey includes a fat phase of 49%, whey powder at 0.75% and xanthan gum at 0.17%. The Office points to no statements in Rainey indicating that the amount of biopolymer should be limited, as recited herein.

As pointed out on page 9 of the instant specification, the amount of biopolymer, when used, is below 0.3 wt. % to ensure that excessive sediment formation and burning are prohibited. Again, the Office points to no teaching in Rainey et al. that the amount of biopolymer should be so limited; indeed, the level in the example is much higher.

Therefore, it is submitted that Rainey et al. would not lead to the recited invention. Nor does the Office point to any teaching in the secondary references which would supply the noted deficiencies.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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